

Senate Education Committee Amendment No. 1, as amended

Amendment No. 1 to HB1884

**Winningham
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1812*

House Bill No. 1884

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 2, is amended by adding the following as a new section:

Section 49-7-212.

(a) By July 1, 2003, the commission shall establish and adopt a code of ethics that shall apply to and govern the conduct of all appointed members of the commission.

(b) Notwithstanding any other provision of law to the contrary, by a two-thirds (2/3) of its membership, the commission may remove any appointed member of the commission for a material violation of the code of ethics.

(c) A commission vote to remove one of its member shall only be taken after the accused member has been afforded a due process contested case hearing in accordance with the Tennessee uniform administrative procedures act, codified in Tennessee Code Annotated, title 4, chapter 5 and a finding has been made that the member did violate the commission's code of ethics.

(d) If a member is removed in accordance with this section, such position shall be considered vacant and the vacancy shall be filled as provided by law.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 8, Part 2, is amended by adding the following as a new section:

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Section 49-8-204.

(a) By July 1, 2003, the board shall establish and adopt a code of ethics that shall apply to and govern the conduct of all appointed members of the board.

(b) Notwithstanding any other provision of law to the contrary, by a two-thirds (2/3) of its membership, the board may remove any appointed member of the board for a material violation of the code of ethics.

(c) A board vote to remove one of its member shall only be taken after the accused member has been afforded a due process contested case hearing in accordance with the Tennessee uniform administrative procedures act, codified in Tennessee Code Annotated, title 4, chapter 5 and a finding has been made that the member did violate the board's code of ethics.

(d) If a member is removed in accordance with this section, such position shall be considered vacant and the vacancy shall be filled as provided by law.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 9, Part 2, is amended by adding the following as a new section:

Section 49-9-210.

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(a) By July 1, 2003, the board shall establish and adopt a code of ethics that shall apply to and govern the conduct of all appointed members of the board.

(b) Notwithstanding any other provision of law to the contrary, by a two-thirds (2/3) of its membership, the board may remove any appointed member of the board for a material violation of the code of ethics.

(c) A board vote to remove one of its member shall only be taken after the accused member has been afforded a due process contested case hearing in accordance with the Tennessee uniform administrative procedures act, codified in Tennessee Code Annotated, title 4, chapter 5 and a finding has been made that the member did violate the board's code of ethics.

(d) If a member is removed in accordance with this section, such position shall be considered vacant and the vacancy shall be filled as provided by law.

(e) The provisions of this section shall be in addition to the prohibition against conflicts of interest by members of the board and possible punishment for violations set out in § 49-9-207.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following new section:

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49-7-1____. Notwithstanding the provisions of Section 8-36-714 to the contrary, upon mutual agreement between the Tennessee higher education commission and the University of Tennessee or Tennessee board of regents, as appropriate, an individual holding the title of "president emeritus" may apply service to the Tennessee higher education commission toward fulfillment of such individual's obligations as president emeritus.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.